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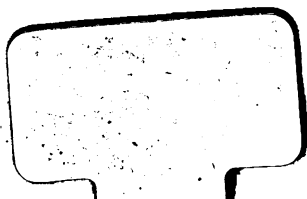
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A
BRIEF REVIEW
OF
PARLIAMENTARY ACTS AND BILLS
RELATING TO
COMPOSITIONS FOR TITHES
IN
IRELAND.



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A BRIEF REVIEW,

&c.

IRISH TITHE COMPOSITIONS.

PREVIOUS to the passing of Mr. Goulburn's two Acts, (4 Geo. IV. ch. 99, and 5 Geo. IV. ch. 63, which may be considered as one,) tithes might be taken in kind. The great difficulties, under which the Clergy of Ireland always laboured in collecting their tithes, proceeded from a difference between the laws in England and Ireland; in the former, a person subtracting tithe could be sued for *double* value, in Ireland, only for the simple value. Hence, in Ireland, the tithe-payers could harass the Clergy by notices to take the tithes in kind, without inconvenience or loss to themselves. Consequently, the Clergy were obliged to make a great reduction in their charges.

In some parts of Ireland, there was an annual view and valuation and setting. In other parts, the incumbent and parishioners agreed to a composition for a certain number of years, five or seven, or during incumbency; but there was no power of effecting a composition to bind a successor. Compositions were not entered into with such formalities as to bind the parties. The Clergy always adhered to their agreements; but, on change of times and fall of prices, the tithe-payers generally threw up their agreements. To remedy this inconvenience, and to effect compositions to bind successors, Mr. Goulburn's Acts were passed.

MR. GOULBURN'S ACTS.

Upon application to the Lord Lieutenant, by tithe-owners or tithe-payers, orders were issued for assembling a select vestry, consisting of twenty-five highest *county-rate* payers, of magistrates qualified under the Road Acts, and of 50*l.* freeholders. The tithe-owner and vestry might agree or disagree to proceed under the provisions of the Act. So far the agreement was voluntary. If they agreed to proceed, the Acts became compulsory. Two Commissioners

were appointed, one by each party, by whom the composition was to be arranged on the average of all sums *paid, agreed to be paid, or adjudged to be paid*, for the seven years ending November 1, 1821. But, from the modes in which tithes had been managed in Ireland, and the manner in which tithe accounts had been kept, it would have been extremely difficult to prove these amounts in any one year, but, in a vast majority of cases, impossible to have proved them in all the seven years. And very few compositions would have been effected under these Acts, if it had not been for a clause dispensing with the necessity of such proofs, and admitting of private agreements between the incumbents and vestries. But, in the first Act, those private agreements were shackled by a necessity imposed on the Commissioners, of seeing that the agreement was not *below* the above average, which obliged them to require the same proofs as above ; hence, in the first year, very few were effected. But in the second Act, that limitation was removed, and private agreements left perfectly free. And then the Acts came into full and extensive operation, as the Clergy made great reductions to effect them. Such private agreements required the consent of the Bishop on the part of the incumbent, as guardian of the rights of the successor ; but it appeared in evidence

before the Lords' Tithe Committee in 1832, that, by the Bishops then existing, only *three* such agreements had been rejected. These agreements, when signed by the parties, became conclusive upon the Commissioners, who entered the amount, whether determined on the averages or settled by private agreement, in a *certificate*, in which also they were directed to enter the average price of wheat or oats (whichever prevailed in the parish) for the seven years ending November 1, 1821, according to the *Dublin Gazette*.

If it should appear to the Commissioners that, during the septennial period, from long incum-bency bargains, or any causes, the amount had been much too low, they were enabled to add a sum not exceeding one-fifth; and were obliged to state such addition, and the reasons for making it, in the certificate. Such addition was made in very few cases. On the certificate being submitted to the parties by the Commissioners, an appeal lay from either party to the Lord Lieutenant and Privy Council, which appeal was to be accompanied by a statement of the grounds of appeal; and the Lord Lieutenant, &c. might hear the appeal and alter the amount, or refer it to the next going Judge of Assize.

The Commissioners were bound within four months to applot the amount on all lands, not

tithe free, within the parish, and to make out books of the applotment, signed with their names, from any part of which applotment an appeal was given to the quarter sessions. If the Commissioners failed to applot within the necessary time, the tithe-owner might applot according to the parish rate, or, in default thereof, by the county rate.

At the end of each period of seven years, on the application of the tithe-owner or tithe-payers to the quarter sessions, an order was to be made for varying the amount of the composition by a comparison of the standard price of corn, stated in the certificate, with the average price by the *Dublin Gazette* for the seven preceding years. Or the tithe-owners and tithe-payers in vestry might agree, that the composition should continue invariable for fourteen, or the entire twenty-one years. This latter plan was almost universally adopted. After all the necessary forms had been gone through, and the time for appeal lapsed, the composition became binding on all parties, and might be recovered half-yearly, by all the ways and means by which rent might be recovered. And the amount of one year was a preferable charge on the land before all other charges.

Landlords, after the passing of this Act, were bound to let lands tithe free; but still the remedy

of the tithe-owner was by distress against the occupier, who could deduct the amount from his rent.

Mr. Goulburn's Acts passed in 1823 and 1824. On account of the limitation in the private agreement clause, few compositions were effected within the first year; but the measure came into full operation after the year 1824, and in the seven years between 1824 and 1832—or in eight years, if we reckon from the date of Mr. Goulburn's second Act, June 1824, to the date of Lord Stanley's Act, August 1832—the composition was established in 1,505 parishes, amounting to 434,000*l.* in round numbers—the great majority, four-fifths at least, being effected by voluntary agreement. At the passing of Lord Stanley's Act, 820 parishes remained uncompounded.

It may be proper here to account for the composition not having been effected in the last mentioned 820 parishes. Mr. Goulburn, in his bill as originally introduced in the House of Commons, had formed his vestry of the twenty-five highest *tithe* payers; and if the constitution of the vestry had so continued, nearly all would have been compounded. The tithe payers were every where anxious to establish tithe compositions, and most particularly anxious in those very parishes which remained uncompounded. This needs explanation. In many parts of Ireland,

grazing predominates, and large tracts of the best lands are employed in that way. But agistment paid no tithe, and the grazing farms were tithe free. If a composition were established, the applotment would have spread the payment hitherto borne by the *tillage* farmers over *all* the lands of the parish : the tillage farmers, who were poor, would have been considerably relieved ; and the rich grazing farmers would have paid something, who previously paid nothing. These latter had the entire command of the vestries, as being composed of the highest county rate payers. They paid by many degrees the highest county rates, and each had an *additional* vote for every 10*l.* rate he paid ; and they refused to proceed under the Act. Two of the Irish landlords in the House of Commons, (see Commons' Journal, June and July, 1823) moved as an amendment, that *county rate* payers should be substituted in place of *tithe* payers.

Mr. Goulburn is accused of not having, in his Acts, made the composition compulsory ; he acted wisely in *conceding* that point, for it originally made part of his measure, but the compulsory clause was expunged by the *same Irish landlords*. And I am satisfied, that the success of the measure was much promoted by its being left to voluntary adoption.

Of the moderation of the compositions effected

under these Acts, the following facts are conclusive evidence :—The number of compositions effected under these Acts was 1,505 ; and in only thirty-nine instances were appeals lodged, including those of *tithe owners*, as well as *tithe payers*. Of these, fifteen were withdrawn, as informal and irregular, leaving twenty-four. Of these, eighteen were heard in council, and six referred to judges of assize. And in THREE only was the certified amount reduced !

LORD STANLEY'S ACT.

I come now to Lord's Stanley's Act, 2 and 3 Wm. IV. ch. 119. The preamble of this Act states its provisions to be enacted " with a view to future commutation ;" and, therefore, all the compositions to be formed under it, as well as those previously made, were to be permanent.

In the Tithe Committee of the Lords and Commons, in the session of 1832, it was a frequent subject of complaint, that the averages in the septennial period ending Nov. 1, 1821, were much higher than in the septennial period ending Nov. 1, 1830. Therefore, this Act substituted for all future compositions the averages of the latter period—but, notwithstanding the

expectation of great inequality, there was not much difference. The average was, by the barrel,

	£	s.	d.		s.	d.
In the first period—Wheat	1	15	8½	Oats—	14	0½
In the latter period	1	12	0½		12	11½

Compositions might have been formed under the old Acts for three months, after which they were to be settled by a single Commissioner, appointed by the Lord Lieutenant. Compositions, which by the former Acts were to be invariable to the end of the twenty-one years, were to continue so still, until the expiration of the term. And as these compositions were mostly made in the years 1826—1831 inclusive, they were to continue invariable until the years 1847—1852 inclusive. But compositions under this Act were to vary septennially ; the earliest of which would not be variable until 1840.

It was supposed by the framers of this Act, that compositions previously made by private agreement were in many cases unjust, on account of the vestries having been circumvented by misrepresentation ; therefore, the eighth section gave an appeal to the Lord Lieutenant and Privy Council, within three calendar months, in such cases. The appeal was to state the grounds, “as being unjust on account of the concealment or ignorance on the part of either of the parties of any fact, the knowledge whereof was essen-

tial to the making an equitable arrangement between them."

Of this power advantage was taken only in *six* instances, in *four* of which the appeals were dismissed, as groundless. In *one* the amount in the certificate was diminished—in *one* increased!

By the twelfth section of this Act, tenants at will, or from year to year, were exempted from payment after Nov. 1, 1833, and the persons having the next greater estate were made liable thereto, and on the expiration of that estate the liability was to devolve upon the next estate upwards, and so on until it came to the owner of the fee. The landlords upon whom the liability thus devolved, had the power of recovery from their tenants, as if the composition were part and parcel of the rent.

In like manner, in all future renewals of leases lands were to be let tithe-free, and the lessors became liable, except in cases of renewals by covenant or contract.

From persons becoming liable by the above modes, the composition might be recovered by all the ways and means by which it might have been recovered from the occupiers; and if the person thus liable should not be in occupation, upon petition to a Court of Equity, a receiver was to be appointed to receive the rents of the

estate until both composition and costs should be received.

Besides the above two classes, upon whom the liability devolved by law, any landlord, not being a tenant for a lesser period than twenty-one years, might undertake the liability to payment by notice given to the tithe-owner, who was bound to grant a certificate thereupon; and for thus undertaking the liability, he was allowed fifteen per cent., provided he paid within six months after it was due.

It is here necessary to state, that any landlord undertaking in this manner for his estate, had not a right (according to the opinions of the best lawyers) to the deduction of fifteen per cent. for lands in his own occupation, or for those the liability to payment for which had devolved, or should thereafter devolve, upon him by this Act.

Notwithstanding that the Clergy were generally informed of the state of the law in this respect, yet they universally offered all landlords the full bonus, provided they would undertake by certificate.

The chief landlords had a preference for six months to undertake, to the exclusion of those under them, and so on in succession.

There was, however, a disadvantage attending landlords undertaking in cases in which inter-

mediate landlords intervened between them and the occupiers. They could not add the composition to the rents of their intermediate lessees, but stood in the place of the Clergyman, and were obliged to collect from the occupiers.

There were many adverse circumstances which prevented landlords undertaking during the first years, which I detailed in a return left in the Irish Office. Notwithstanding which, it appeared by said return, formed from returns received last year from 987 benefices, the composition on which amounted to 430,478*l.*, that the amount voluntarily undertaken was 102,000*l.*, and the amount *ascertained* to have devolved was 75,000*l.*; and if we take the same average on the benefices from whence no returns were made, and on the balance of the Clerical composition, the amount undertaken would be 127,588*l.*, and the amount ascertained to have devolved would be 86,793*l.* But in the south and west of Ireland, and indeed in all parts in which landlords were unwilling to undertake, on account of the opposition to tithes, they were much more unwilling to give any information as to the nature of the tenures under them, which would have discovered their liability. Therefore, in such cases, landlords, agents, and occupiers combined in refusing such information. The vast number of such refusals mentioned in the 987 returns, is

a convincing proof that a much greater sum must have devolved than could have been ascertained at that period. The above two sums make 214,381*l.*, and we may safely say, if we had been able to procure full information, a much larger sum would have been found to have devolved—at the very least we may say 35,609*l.*, which, with the above sum, would have made 250,000*l.* Here then is one-half of the composition actually payable by landlords.

This Act gave the same power of appeal from the decisions of the Commissioners establishing compositions, as Mr. Goulburn's Acts. And as these compositions were compulsory, and made by a Commissioner not appointed by the parties, it was to be expected that the number of appeals would be proportionably greater. The whole number of parishes compounded under this Act was 820. The whole number of appeals lodged was eighty. Thirteen were withdrawn, fourteen were referred to the Judges of Assize, nineteen heard before the Privy Council, seven remained for adjudication early last year. The result at that time was, that fourteen certificates had been reduced, and ten increased, making twenty-four in all which had been altered. The others were confirmed without alteration.

£60,000 LOAN ACT.

The next Act was 3 and 4 Wm. IV. ch. 41., by which the sum of 60,000*l.* was authorized to be advanced out of the Consolidated Fund, on account of the arrears of 1831. Persons applying were to transfer their title to the Crown for the tithes of that year. The Crown was to make proclamation to the defaulters to pay the amounts to the Collectors of Excise, and in default of payment a petition or affidavit was filed in the Court of Exchequer, and an order in the nature of a decree was made, and the amount to be collected by Government.

If this bill had passed, as it was presented, it would have been effectual in putting down the opposition; but Mr. Shiel insidiously proposed to omit the clause for charging costs, and the Solicitor-General for Ireland weakly assented. It is well known that in Ireland the fear of costs operates most powerfully on the lower orders in securing payments, but when costs cannot be charged the payment will be deferred to the last extremity. If the clause for costs had remained, the whole would have been easily collected by the Excise without aid; but without that clause a large police and military force was unavailing. The expenses much exceed the receipts; and

several Clergymen who transferred their tithes were brought in debtors to the Crown.

However, although a very small sum *appeared* to have been collected by Government, yet in reality the operation of the measure caused a very large sum to be paid to the neighbouring Clergymen who had not applied for the loan, or transferred their rights. And if the Government had persevered, a very large sum would have been recovered by them also. The conspiracy and opposition were broken; the connexion between the priests and their flocks dissolved; no farther expense would have been incurred; the people were everywhere beginning to pay. At that very crisis, when the labours of Government were about to have been crowned with success, and their expenses amply repaid, Lord Althorpe made his fatal declaration that Government had resolved to discontinue all farther process, and immediately payments, which had been restored even in the disturbed counties, ceased throughout almost the whole of Ireland.

MILLION LOAN ACT.

3 & 4 Wm. IV. ch. 100, commonly called "the Million Act."

A measure of extensive relief was promised to the Clergy, on an implied understanding that it

was to be contingent on the passing of the Church Temporalities Act, which was secured thereby. Upon applications being made, and schedules returned to the Lord-Lieutenant and Privy Council, of the arrears of 1831, 32, and 33, and allowed, and opportunity given to the tithe payers to examine the schedules, deposited for that purpose at proper places in each parish, any of whom might, on giving a certain notice, object to any item before Barristers holding Sessions in or near the parish, by whom the schedules might be amended accordingly. These schedules were then deposited as a record of the debt in the office of the Clerk of the Peace in each county. This process being completed, the Treasury advanced 75*l.* per cent. on the arrears of 1831 and 1832, and 85*l.* on those of 1833. The amount due by each individual occupier was to be divided into five instalments, and one paid every year, along with the composition, on Nov. 1. The occupiers were in every instance to pay the full amount, whether to the tithe owner or a landlord, but if the composition should be payable to the Clergyman &c. by a landlord, such landlord was to have the deductions of 15 and 25 per cent. as compensation for his having thus become liable. By a new experiment in legislation, the Clergy, and not the persons who owed these instalments, were made liable. As a condition

of receiving this money the Clergy, besides the above heavy deductions, were obliged to relinquish all previous arrears, which in many cases were very heavy. In one case, which happened to come within my own cognizance, they amounted to 800*l*.

When the Bill was before the House of Lords, it was privately urged upon Lord Grey, that Government should collect the quinquennial instalments, which, with a power of charging costs, would have been perfectly easy, and would have restored the character of Government as to capability of collecting debts due to the Crown, which had suffered so severely from the late failure. Thus, also, the future collection of the composition by the Clergy would have been facilitated. But Lord Grey refused; and this measure, which afforded present sustenance to the Clergy, proved, as was foreseen, ultimately ruinous, for all payments having been thus suspended for two years, it was impossible to persuade the persons liable that tithe composition had not been altogether abolished.

About two-thirds of the Clergy, in amount of composition, availed themselves of this Act—one-third did not.

Another fatal effect followed from this measure; for landlords undertaking the liability, after the passing of that Act, would have become liable

to the payment of those quinquennial instalments along with the composition. It was impossible to persuade their tenants that the arrears had not been altogether remitted and paid by Government, and landlords were afraid of being brought into collision with their tenants by demanding them. No landlord undertook the liability after that Act, and even those upon whom the liability had devolved studiously concealed that fact, from dread of the effects of demanding the arrears; and it unfortunately happened that in proportion as the opposition to tithes in any district had been long and violent, in such proportion the arrears were high. For instance, in the county of Kilkenny, the whole amount of *loan* was nearly double the amount of the composition, and therefore the amount *due by the occupiers* was much more than double (fifteen and twenty-five per cent. more than the loan), while in the county of Antrim the loan was not one-tenth of the composition.

The whole sum advanced on account of that loan amounted, in the end of January, 1835, as follows:—

Ecclesiastical Persons	£523,028	12	0
Improprate	114,746	7	7
	<hr/>		
	637,774	19	7
	<hr/>		

The first instalment of the Million Loan was

due November 1, 1834. Two instalments are now due. An Act passed last year, enabling Government to suspend demands for payment until April this year. The Clergy have received scarcely anything of it. Landlords who have undertaken, as well as those upon whom the liability has devolved, alike refuse to pay the arrears, and pay the composition without it. The Clergy and lay impropiators are now liable to be sued by the Crown for two-fifths, and in November will be liable for a third.

This completes the series of the Acts on tithe composition, and I now proceed to consider the various abortive bills which have been introduced into Parliament in the years 1834, 1835, and 1836.

MR. LITTLETON'S BILL,

May 12, 1834.

By this Bill compositions were to have been abolished, and a land-tax substituted in lieu thereof. From the abolition, arrears payable to landlords, as also the quinquennial instalments, were excepted. The tithe-owners (Clergy, &c.) were exempted from payment of those instal-

ments which were to have been collected by the Commissioners of Land Revenues, and paid into the Exchequer.

A land-tax, equal in amount to the composition, along with the quinquennial instalments payable by the same persons to the King, to be imposed ; to be managed, and collected by the " Woods and Forests," and recoverable by all the ways and means by which either tithe compositions or debts due to the Crown can be recovered.

The produce to be applied: 1st, to defray the expenses of management ; 2nd, to repay quinquennial instalments ; 3rd, to pay tithe-owners. The surplus, if any, to be carried to the Consolidated Fund.

Persons not paying within three months, to pay six per cent. interest.

The Ecclesiastical Commissioners were to determine the amount payable to the tithe-owners respectively, and to give them warrants for payment on the " Woods and Forests:" the amount to be subject to deductions hereinafter mentioned. The Commissioners of Woods and Forests to appoint a day for payment, allowing interest at $1\frac{1}{2}d.$ per day.

The Lord Lieutenant to appoint a Commission of five persons, who were to determine the rate of deductions to be made on account of trouble

of collection, costs, losses, &c. in each county for ten years; deduction not to be less than ten nor more than twenty-five per cent. They were also to ascertain the number of years' purchase at which fee-simple of land sells in each county, and to assign four-fifths, as the rate at which the land-tax should be redeemed, and from thence to frame a "Table of Redemption."

The land-tax might be redeemed by the owners of the land, at any time until November 1839, at the number of years' purchase mentioned in the table, viz. four-fifths of the purchase of fee-simple, together with such a sum as should, for two years, make up the difference between the interest of $2\frac{1}{4}d.$ per diem (3*l.* 8*s.* 5 $\frac{1}{4}d.$), and five per cent. (the difference 1*l.* 11*s.* 6 $\frac{3}{4}d.$) This additional sum to be placed to a separate account, called the "Indemnity Account." The quinquennial instalments to be redeemed at an allowance of four per cent. interest. The consideration for redemption to be calculated on the original composition, without considering the reduction to landlords undertaking.

Several facilities were given to enable persons to purchase. And the land-tax might be redeemed by the conveyance of an equivalent portion of lands to the persons entitled, under the directions of the Ecclesiastical Commis-

sioners. Such land not to be subject to eviction from defect of title; but remedy to be against the lands of the grantor. Land so granted for Ecclesiastical persons might be devised without fine, on the approbation of the Ecclesiastical Commissioners.

Land-tax unredeemed November 1, 1839, to be converted into a rent-charge equal to four-fifths of the land-tax payable by "the first estate of inheritance;" which is defined in the same terms as in all subsequent Bills, sect. 111. The land-tax to be payable to the person liable to the rent-charge, who consequently enjoyed the bonus of one-fifth, and who might recover the whole from his immediate tenants, and so downwards.

No rent-charge to be sold for a less sum than the consideration fixed for the land-tax, but the land-tax might be converted into rent-charge at any time before November 1, 1839.

The redemption money to be paid into the Bank, and transferred by "the Woods and Forests" to the credit of the Ecclesiastical Commissioners. And the redemption of the quinquennial instalments to be paid into the Exchequer. And the redemption money for impropriate tithes to be paid to the impropriator.

Two and a half per cent. to be deducted from the rent-charge for collecting.

Ecclesiastical Commissioners to lodge redemption money transferred to them with the Commissioners of the National Debt, at interest of $2\frac{1}{4}d.$ per diem ($3l. 8s. 5\frac{1}{4}d.$ per annum,) the interest to be paid to the persons entitled, and besides, for two years, such a sum from the "Indemnity Fund," as should make up five per cent., or the deficiency between the interest and four-fifths of the land tax. But as some incumbents might have had their redemption money vested in lands sooner than the expiration of the two years, any sum remaining from this cause, was to be rateably divided amongst those, who might be more than two years without effecting such investments.

Any spiritual person desirous of having the redemption money in his account vested in land, might apply to the Ecclesiastical Commissioners describing all the particulars of the lands. And if the purchase should be approved by the Commissioners, the investment was to be made, and the lands conveyed to such spiritual person for ever. Several clauses were added to facilitate such investments.

The Treasury was enabled to advance to the Commissioners of Woods and Forests, any sum of money not exceeding 100,000*l.* on the credit of the land-tax, for the purposes of this Act.

There were several objections to the machinery of this Bill, but they were mostly objections in detail, and were caused by an imperfect practical knowledge of the subject by the authors of the Bill. But Mr. Littleton, on this being explained to him, showed a perfect readiness to correct them. One great objection was beyond his power to remedy, viz. the keeping on of the quinquennial blister. The very objectionable and impracticable clause for determining the deductions on the score of expense of management and losses, was to have been amended by charging a fixed per centage. The Clergy would have been heavy losers, if the redemption money should have remained longer than two years with the Commissioners of the National Debt. And the evil would have been increased, and the period of purchase much deferred, by allowing each person to purchase the small portion of land for himself in his own neighbourhood, as many years might elapse before such a purchase would offer. (An attempt was made in Sir Henry Hardinge's Bill to remedy this defect.) During the period of land-tax; the Clergy would have lost fifteen per cent.; during the rent-charge period twenty-two and a half. For two years after redemption, they would have lost twenty per cent. After which the reduction would have depended upon a variety of circumstances.

The land-tax and rent-charge although vested in the Crown, were still secured as the property of the owners, and only temporarily vested in the Crown for convenience *in transitu*, until invested in lands.

With the exception of the particulars which were to have been remedied, the Clergy, or their friends, did not object to the general plan of the Bill. They were ready to receive it, after practicable amendments in detail should have been made, and to submit to inconveniences which could not be remedied.

This Bill had the singular fate of being changed at nurse. Its unnatural parents, having formed a meretricious connexion, persecuted and mutilated their own offspring, which was received and fostered by their opponents. The majority of the Cabinet, influenced by their new allies, who disliked the measure because it was likely to be accepted by the Church, and the question thus set at rest, determined entirely to alter the measure. This caused the secession of the sound part of the Cabinet; and the extraordinary phenomenon was exhibited, of ministers opposing their own measure, and opposition supporting it.

Ministers removed the clause for appropriating the land-tax to the owners of the Composition, so that it would have been divested out

of them as property, and have become absolutely vested in the Crown. Commutation of tithe for land had, for many years, been considered as the ultimate object of all plans with regard to tithes ; it was recommended by the Tithe Committees of both Houses in 1832, and adopted by the Legislature, in the Preamble of Lord Stanley's Act. But it was now found, that it would not answer the altered purposes of the Ministers, and the unaltered purposes of their new friends, as it tended to secure a property to the Clergy, which both those parties wished to transfer from them ; therefore, all the clauses for Redemption and Commutation were recklessly torn out amidst the triumphant cheers of the enemies of the Church, and the taunting scoffs and ridicule of its friends ; and Mr. Littleton's motion to that effect drew forth the laughter of both sides of the House. Subsequently, the secret ally of the Ministers came forth, and proposed that instead of one fifth being given as a bonus to the *landlords*, two fifths should be given as a bonus to the *occupiers*. Ministers assented to his amendment, and the treaty was ratified in Roman style, by the sacrifice of a victim.

This brings us to the Bill as it passed the Commons and went up to the Lords, of which I give below an abstract, reviewing it as I go along.

TITHE BILL RECEIVED BY THE LORDS,

AUGUST 6th, 1834.

By this Bill Compositions were to have been abolished, and Rent-charges immediately substituted, excluding the intermediate step of land-tax. The persons entitled to the Compositions (the Clergy, &c.) were to be relieved from the repayment of the quinquennial instalments, which were to have been paid along with the Rent-charges to "the Woods and Forests."

The first estate of inheritance was to become liable to a rent-charge equal to three fifths of the composition, or 60 per cent. payable Dec. 1st, 1834, and Nov. 1st, in succeeding years.

The million instalment upon an average of Ireland, exceeded one fifth of the composition, and in some places two fifths; so that this Bill, while it professed to remit two fifths, would have added from one to two fifths on account of the arrears, increasing in proportion to disturbance and the unwillingness of tenants to pay, and of landlords to collect. Mr. O'Connell would have boasted to the lower orders, that *he* had obtained for them a remission of two fifths, or 40 per cent. And the tithe payers finding that, instead of 60*l.*, they were still compelled to pay from

80*l.* to 100*l.*, would have accused Government and the landlords of extortion and fraud. The addition of one fifth on the score of arrears, would have irritated and inflamed, more than the remission of two fifths would have tranquillized.

This Bill did not give the landlord any bonus whatever. By the former Acts and Bill, by having the bonus, he had the means of conciliating his tenants by giving them a part, or the whole, of it. This Bill, and indeed all subsequent Bills, would not give him any compensation for collection, or for paying before he received ; yet if he did not pay within thirty-one days after November 1st, a receiver was to have been appointed for the rents of his *whole* estate. Thus this new provision in the Bill was calculated, if not contrived, to drive the landlords into opposition to payment, as the tenants had previously been driven. The rent-charge, on an average, would have been less than a twentieth part of the rent ; although a receiver might be appointed to the whole.

In this Bill was inserted for the first time a clause which would have borne with the most oppressive injustice upon the Clergy, and as it has made a part of the Bills of last year and this year, I cannot altogether pass it over. The brevity of these remarks prevents my entering

fully into the question, but I am ready to submit a fuller consideration of it to any person who may please to require it; I mean the provision for *the revision* of compositions. The particular grounds for applying for revision were so numerous, that it was impossible for any Clergyman to escape. He could be thrown upon the proof of every particular tithe, of every individual occupier, for every year during the septennial period from 1814 to 1821, or from 1823 to 1830. He might as well attempt to delineate every wave that has ruffled the Atlantic for the same periods.

When the Clergy formed compositions, they depended upon the faith of the Legislature that they were to be final. I have stated before, when reviewing the Composition Acts, that very few of the Clergy could have proved the several particulars at the time of making the compositions. Any that could have done so, once the compositions were formed, parted with their documents, their proctors their witnesses. No material of proof now exists. Very many of the Clergy have been changed since the establishment of the compositions; the successors cannot get a trace of proof. Each particular parish, or member of a union, however small, had a separate composition, and must have had a separate revision. For *each* revision *three* lawyers

were to be appointed, at five guineas a-day each ; and on the hearing the Clergyman could even be called upon to go into proofs, against objections as to tithes twenty years before, of which he never had heard until that day.

Adjudications of courts were to have been set aside, if the defendants had not been present, although their very absence was a confession of the justice of the debt. In the Ecclesiastical Court, no such adjudication could take place, without the most ample precaution being taken to secure the interests of the defendant. Along with the citation he was served with a copy of the petition, giving a particular account of all the tithes claimed and the prices. The defendant had then thirty days before the hearing—he might attend and plead his own cause ; if he did not attend, still the plaintiff was obliged to prove the particulars of his petition by *two* witnesses, on oath. The defendant was then served with a monition stating the amount of the decree ; he had then at least fourteen days, and another court, the Quarter Sessions ; where the monition was produced, and a final decree given ; and yet after all this over scrupulous precaution, the adjudications were to be set aside after a lapse perhaps of twenty years, because the defendant, after such ample notice, would not attend. It would require a treatise to expose all the in-

justice of this clause, and I can at any time give fuller information upon it ; but thus much it was necessary to say, as it made a prominent feature in the measure of last year, and is also in the Bill of this year.

Compositions were made separately for every parish of a union ; and there must have been a separate course of proceedings under this clause, for every one of them. The Barristers had the power of determining, by whom the costs were to be paid ; and the Clergyman for each composition might be condemned to pay fifteen guineas a day, for an unlimited period to the three lawyers, and all their travelling and other expences, also his own costs, and the costs of the other party, and of witnesses, at a time when he could not get a sufficiency to feed his family. Without money, without witnesses, without documents, he could not even make a defence.

The produce of the rent charges by this bill, was to have been applied, in the first instance, to the payment of all costs, and charges of carrying the Act into execution ; and in the next place to the payment to Government, of the quinquennial instalments ; “and in the third place, to the payment of such sums as shall, under the provisions of this Act, become payable to persons, who would, if this Act had not been made, have

been, or be, from time to time, entitled to the receipt of composition for tithes."

The last is the only clause, which in any way appropriates the rent charge to the owners of the tithe composition, divested out of them by the preceding parts of this bill.

The rent charge was to have been variable in the same manner as the tithe composition, by the price of corn.

The Ecclesiastical Commissioners were, in November, in each year, after having deducted from the gross amounts of compositions, twenty-two and a half per cent. to have given warrants on the "Woods and Forests," for seventy-seven and a half per cent. payable after the first of January.

This however was a mere pretence to fairness, as I shall show below.

No provision was made to supply the deficiency of impropriate tithes, they would have been reduced forty-two and a half per cent.

Landlords subject to quinquennial instalments, might redeem at four per cent. interest.

"The Woods and Forests," were to have certified to the Treasury the deficiency of all tithe compositions, and the Treasury was to advance the amount out of the Consolidated Fund ; and to draw on the Ecclesiastical Commissioners for the amount, which they (the Ecclesiastical Commissioners,) were bound to pay out of the Perpetuity

Purchase Fund. "The Woods and Forests," might also have borrowed 100,000*l.* from the Treasury, which was to have been a charge upon the rent charge.

Let us now consider the possibility of the Perpetuity Purchase Fund making up the deficiency. The amount of composition belonging to Ecclesiastical persons or bodies, is 544,500*l.* The annual deficiency would have been 109,000*l.* And in November, 1835, there would have been two years' deficiency, or 218,000*l.* The funds of the Ecclesiastical Commissioners, for the two last years, were not equal to one-third of their indispensable disbursements, which amount annually to 70,000*l.*; to which their income, even if all well paid, will not be equal until the year 1853. But until that year debt must be annually accruing, which would not have been paid off, even supposing all their income to be available, until the year 1873; and until then there would not have been any surplus for building Churches and glebe houses, and augmenting small livings. Even if the income should at that distant period be realized, the utmost expectations that could be formed of its amount, would have been 105,440*l.* And the annual charge for all the above purposes, contemplated by Lord Grey, would have been 146,000*l.* If all the tenants of the See-lands were to have purchased perpetui-

ties, the amount would not do more than make up that deficiency. Not more than one-tenth in amount have purchased to this very day.

Let us now look at the actual state of their funds, at the end of last year, when the above demand of 218,800*l.* would have come upon them. The Perpetuity Purchase Fund, up to last August, had produced 89,000*l.* The Commissioners were enabled, by the Church Temporalities Amendment Act, to borrow 100,000*l.* from Government. They borrowed 46,000*l.* last year. Out of the produce of the Perpetuity Purchase Fund they repaid that loan. But their heavily increasing expences obliged them this year, to borrow the remaining 54,000*l.*; and yet they have been obliged to defer all repairs of Churches, not absolutely and immediately necessary; they are, therefore, still in debt, and, notwithstanding the produce of the Perpetuity Purchase Fund this year, the continually accruing expenditure will leave them considerably in debt next November, when a third annual deficiency would have accumulated. And here it may not be amiss to remark, that I have stated this deficiency much too low—for, in addition, all the costs and expences of the Commissioners of Woods and Forests must have been provided for.

By this bill the Consolidated Fund was only to have *advanced* the money, and to have been

repaid by the Ecclesiastical Commissioners ; but when they drew, and their bills had been returned unpaid—quere, were the Commissioners of the Treasury to continue these advances ? And would not the Treasury have been thrown back upon the rent charges, to pay former advances, instead of making new ones ?

This bill was indignantly rejected by the House of Lords.

SIR HENRY HARDINGE'S BILL.

The following session opened under Sir Robert Peel's administration, and Sir Henry Hardinge obtained leave to bring in a bill, and stated the outline of the measure he intended to propose ; but the introduction of the measure itself was prevented by the resolution of the House of Commons, establishing the principle of disappropriation of Ecclesiastical Revenues from the Church, and appropriation thereof to other purposes.

Sir Henry Hardinge's bill of course was not printed for the House of Commons. The following is an abstract of the intended bill.

Compositions to cease from November 1, 1835, save in cases of arrears previously due, and of compositions payable to landlords under Lord Stanley's Act.

The Million Act to be repealed so far as to the repayment of the instalments of the loan ; and it was intended to apply the remainder of the million to the liquidation of the arrears of 1834.

Compositions were to have been converted into rent charges equal to three-fourths of the compositions payable by the owners of the first estate of inheritance, or other equivalent estate. The rent charge in every case, whether payable by landlords or not, to be computed on the gross amount of composition.

Rent charges to be payable Nov. 1.

Lands held tithe free, under Mr. Goulburn's Act, not to be subject to rent charge, but the next estate in reversion ; and, on the determination of any estate, the next in reversion to become chargeable.

Existing applotments, if defective, might be amended on application to the Ecclesiastical Commissioners.

Persons liable and dissatisfied, to appeal to the Quarter Sessions, but the total amount of the rental of the parish not to be altered.

Rent charges to be arranged, and rentals made, under the direction of the Ecclesiastical Commissioners.

Rent charges to be payable to the persons entitled to the compositions.

Rent charges to have priority over other

charges, and to be recovered by Bill in Equity, Action of Debt or on the case ; or before the Assistant Barrister if not exceeding 20*l.* ; or by distress on person liable occupying the land ; or, after thirty-one days, notice might be served on all the tenants of lands in arrear to pay their rent to the person entitled, who might receive the rent, but not to sue the person liable except through the Ecclesiastical Commissioners, who were to recover, and pay to the person entitled without deducting costs.

Persons liable to rent charges might recover from their immediate lessees, and so downwards to the persons primarily liable to the composition.

A commission to issue for the purpose of determining the rates of redemption of rent charges for each county or district ; Commissioners to be appointed by the Lord Lieutenant and Privy Council, and paid by the Ecclesiastical Commissioners out of the Perpetuity Purchase Fund.

These Commissioners to determine the rate of the fee-simple in each county or district for the ten preceding years, and to assign the number of years' purchase as the rate at which rent charges should be redeemable, and thence to form tables of redemption.

Ecclesiastical Commissioners, after the passing of the Act, until Nov. 1, 1838, might contract

with persons liable to rent charges for their redemption ; and rights of preference were defined.

The consideration for purchase to be the rent charge multiplied by the number of years' purchase in the table. Landlords dissatisfied might appeal to arbitrators.

Various facilities were given for raising money to purchase, and many provisions made for regulating and ascertaining rights between different parties. And Commissioners of Public Works enabled to lend money for redeeming.

Lands might be conveyed in redemption of rent charges. To be held in trust by the Ecclesiastical Commissioners for the owner of the rent charges. Such lands might, if necessary, be exchanged or sold.

After Nov. 1, 1838, rent charges might be sold to any persons for what they would bring, but not under the value in the table of redemption. Offers to be advertised, and if none higher, to be conclusive.

The money, while vested with the Commissioners of the National Debt, to pay two and a quarter per cent. per diem, or 3*l.* 8*s.* 5¼*d.* per annum.

The Ecclesiastical Commissioners were to place all redemption money or interest to the account of the persons entitled to rent charges, and to pay interest to the persons entitled, and lay out

principal in the purchase of lands, and were to make up to the present incumbents the deficiency of interest below the rent charge (about 1*l.* 1*s.* 6*d.* per cent.) and to hold lands purchased in trust for Ecclesiastical persons entitled, and to purchase for two or more together, as convenient.

This bill would have facilitated the purchase of lands, as the Commissioners might have purchased for any number of incumbents, or in any part of Ireland.

The great difficulty was to have made up the deficiency while the money was *in transitu* and at interest. It now appears that the Perpetuity Purchase Fund would not have been equal to it. Some of the persons who had the charge of preparing the bill, wished for some enactment which might at the same time stimulate and assist tenants of See-lands to purchase, in order to raise a sufficient fund for the purposes of this bill ; but difficulties presented themselves against any compulsory plan to that effect, which should have for its foundation the selling of the reversionary interest of tenants, who should not purchase within an appointed time.

LORD MORPETH'S BILL of 1835.

This bill, like the others, abolishes compositions for tithes, except those payable to landlords under Lord Stanley's Act, and those for which suits had been commenced previous to March, 1835.

Compositions to be converted into rent charges equal to seven-tenths of the composition, or 70*l*. per cent. payable, as in the former bills, by the person having the first estate of inheritance, and, on the determination of such estate, by the next estate upwards.

If there should be no middle landlord, the person liable might charge the amount to his tenant. If there were one or more intermediate landlords, the person liable might charge the amount to his immediate lessee, and so downwards to the person primarily liable to the composition.

Rent charges to be under the management of the Commissioners of Land Revenues, who might, with consent of the Treasury, make regulations for collection.

Compositions might be revised on application, and on *prima facie* case made, by persons liable to one-half of the composition of a parish, such application to be accompanied with a statement

of the grounds and reasons, and verified on oath of one or more persons. Application to be made to Commissioners of Land Revenues, and if approved transmitted to the Lord Lieutenant. Those already decided on by Council or Judges to be excluded.

To be referred to three or more Barristers, who were to hold Courts, and firstly to ascertain the manner in which the composition was calculated, and the objections and evidence of the applicants, and all other evidence and objections on behalf of the person entitled, or of any owner or occupier of land, and were to correct any error or injustice in the calculation of such composition, and increase or decrease the amount. If one-fifth had been added, they might enquire into the average of the seven years before 1821 or 1830, on which the composition was settled ; or if the composition were computed on the evidence of promissory notes, or adjudications of Courts, in the absence of the parties, they were to enquire into the real value of such tithes, and to examine the grounds and reasons for any addition, and allow or disallow them. And if tithes of lands not paid had been calculated by the tithes of other lands in the same, or an adjoining parish, they were to enquire into the accuracy and fairness of such calculations. Also to enquire whether compositions had been fixed

by agreement in ignorance of any facts, or concealment or misrepresentation of any facts, or if composition of tithe-free lands had been included. And to alter composition accordingly, and to determine by whom costs were to be paid. If not reduced by one-seventh on application of tithe payers, costs to be paid by them : if not encreased by one-seventh on application of tithe owners, costs to be paid by them. In other cases Barristers to determine all matters relating to costs.

Composition might be encreased or diminished by private agreement between the owners and tithe payers.

Lord Lieutenant might advance for expenses from Consolidated Fund.

Barristers to be paid five guineas a-day each, above *travelling* and *other expenses*.

The Commissioners of Land Revenues to appoint skilful persons to amend *applotments*, and to assess expences on persons liable to rent charges.

Rent charges to have priority over every other charge, and to be recoverable by all the ways and means by which rent charges due to the King may be recovered ; or by a receiver appointed by a Court of Equity, together with fees and costs, and interest.

Tithe compositions might be encreased or di-

minished in the proportion of the price of corn in the certificate, to the price for the last seven years.

(This most unjust clause was added, because it was known that the price has been unusually low for the last seven years. The compositions made under Mr. Goulburn's Act could not be varied until the years from 1846 to 1852. Those made since 1832, not for seven years from the time of making, viz. from 1840. By the operation of this clause Ecclesiastical compositions would have been immediately reduced in round numbers from 545,000*l.* to 461,000*l.* This I can prove at length to demonstration).

Ecclesiastical Commissioners to draw on Commissioners of Land Revenues every Nov. 1, for the amount of rent charge due out of each parish, minus sixpence in the pound, or with a deduction of $32\frac{1}{2}$ per cent. in the whole. Present incumbents to receive five per cent. additional out of the Perpetuity Purchase Fund.

(This addition would have amounted to upwards of 25,000*l.* of which I have shown that the Fund could not have paid anything. This payment would have been immediate and certain. In Sir H. Hardinge's plan it would have been remote

and contingent, and in only a few cases, and in those few only about one and a half per cent.)

The Ecclesiastical Commissioners to invest all moneys, arising to their credit in the Perpetuity Purchase Fund, under the regulations of the Commissioners of the Treasury, in the purchase of Exchequer bills, and with consent of Treasury to sell the same as occasion should arise, and apply the *proceeds* and the *interest* to the above purpose.

The Million instalments remitted, and the remainder of the million to be paid to the Ecclesiastical Commissioners, to be applied, together with arrears hereinafter mentioned, and other sums arising to the credit of the account hereinafter mentioned, in the payment of arrears of 1834.

Application to be made by memorial and schedule, as in the Million Act; but schedule not to contain any arrears due by landlords having undertaken. The arrears to be paid by the persons who would have been liable to rent charges for the same, if this Act had been in force at the time when the compositions on which such arrears accrued became due. Arrears to be paid to applicants, deducting thirty-two and one-half per cent.

Such rent charges to vest in his Majesty, and proclamation to be issued enjoining payment

of arrears due by such persons as would have been liable to rent charges under this Act, subject to a deduction of fifteen per cent. ; but such persons to forfeit such deduction if they did not pay within a month. These rent charges to be recovered by petition to the Chancery or Exchequer, or, if under 20*l.* to the Assistant Barrister ; the produce to go to the " Reserve Fund " to be hereinafter mentioned.

Upon the next vacancy of any parish in which there are not more than fifty Church Protestants, the Church to be sequestered. If there be no member, the occasional duties to be committed to a neighbouring Minister ; as also, if there be any number under fifty, in both cases, by the Ecclesiastical Commissioners ; or, with the approbation of the Lord Lieutenant, they might appoint a separate Curate. But if there should be a Church and any members, a separate Curate to be appointed.

When committed to neighbouring Minister, if no member, 5*l.* salary ; and if any number under fifty, from 10*l.* to 50*l.* ; and separate Curates to have salaries not exceeding 100*l.*, or the value of the parish ; and might occupy glebe-house if there should be one, and be granted a portion of glebe not exceeding twenty-five acres, as part of salary.

In parishes where a separate Curate should be

appointed, Ecclesiastical Commissioners might give a sum not exceeding 100*l.*, to build a place of worship, or 15*l.* per annum for providing one.

And in such cases of providing for the spiritual wants of a sequestered parish, the Bishop of the Diocese to be associated with the Ecclesiastical Commissioners.

Glebe-house might be let, unless the Curate wish to occupy it ; also glebe-lands may be let.

Ecclesiastical Commissioners might separate parishes from unions, and deal with them as with single parishes, and report to the Lord Lieutenant, who might separate or maintain the union, and make a reduction of income on account of such parishes not having fifty members, having regard to the extent of duty ; and parishes not contiguous to the other parishes of a union, to be separated.

Parishes which would have been suspended under Church Temporalities Act, for not having service for three years, to come under the provisions of this Act.

Ecclesiastical Commissioners, on vacancy, to enquire into the particulars of every parish exceeding 300*l.*, and report to Lord Lieutenant and Council, who might, in all cases in which the income should seem to be disproportioned to the duty, reduce the income, but not below 300*l.*

The Ecclesiastical Commissioners might, out of the Reserve Fund, compensate the owners of advowsons not belonging to the King or Ecclesiastical Corporations.

All sums to be paid to the Commissioners on account of this Act, to form a " Reserve Fund," along with the sum to be advanced by Government, out of which they were to pay,—1st. All costs of revision of memorials and schedules of applications for relief on account of arrears of 1834. 2nd. The sums payable to such applicants. 3rd. Payment of stipends to Ministers or Curates, and providing places of worship in sequestered parishes ; and the tax which would have been payable by incumbents if the parishes had not been sequestered ; and the payment of charges, crown rents, salaries to schoolmasters, &c. &c. And 4th. The expenses of carrying this Act into execution. The residue to be paid into the Consolidated Fund, and the Consolidated Fund to be charged with 50,000*l.* annually, for the purposes of general education.

Ecclesiastical Commissioners might borrow money on the credit of the Reserve Fund.

Ecclesiastical Commissioners might report to the Lord Lieutenant the circumstances of any parish requiring the removal of sequestration and appointment of an incumbent, and recommend such removal or the appointing of a larger income,

which was to have been laid before both Houses of Parliament ; and unless Parliament should have otherwise directed, the Lord Lieutenant might, within six months, order the recommendation to be carried into execution.

Treasury might advance to Commissioners of Land Revenues sums of money on the credit of the rent charges.

As Sir Robert Peel's admirable speech on this bill was published, and is in everybody's hands, it would be superfluous for me to comment upon it.

LORD MORPETH'S BILL.

29th April, 1836.

The preamble alludes to the former Tithe Composition Acts, for rendering tithe incomes more certain in amount, and more easy of collection, but the interposition of Parliament is further necessary in reference to various circumstances peculiar to Ireland. It then refers to the Report of the Commissioners of Public Instruction, which states that there are benefices in Ireland with few or no members of the Established Church, and that in many benefices the incomes are greatly disproportioned to duties. It is ex-

pedient, therefore, to make provision for uniting and dividing benefices, and for altering the boundaries and regulating the incomes, with a view to a better distribution of Ecclesiastical duties and revenues. It then states it to be just and necessary, for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the Spiritual wants of the members of the Established Church, the surplus revenues should be applied to the moral and religious education of the people, without distinction of religious persuasion.

1. The right of all persons to tithes or tithe compositions heretofore accrued, or hereafter to accrue, shall wholly cease and determine, except,—1st. Arrears due to or by landlords having undertaken the liability under Lord Stanley's Act. 2nd. As to tithe compositions for which suits had been commenced, and were depending, previous to a day to be settled in Committee.

(In the bill of 1835, Lord Morpeth gave the remainder of the million as compensation for the arrears due by occupiers to tithe owners, which was to have been repaid by the persons who should thereafter have paid the rent charge, who might recover from their lessees. But this bill wipes out all arrears due by the occupiers to the

Clergy, without any compensation whatever. I calculate the arrears of 1834 and 1835, at the lowest to be 300,000*l*. The bill also wipes out all arrears due by landlords to the Clergy, on the score of the liability having devolved upon them either from having tenants at will, or by renewals of leases.)

2. The instalments of the Million Loan to be remitted, and any sums received to be refunded.

3, 4. Compositions to be turned into rent charges, to the amount of seven-tenths, or 70*l*. per cent. payable Nov. 1, in every year. The rent charges to be computed on the gross amount of the compositions; and to be paid by the first estate of inheritance, or other equivalent estate.

6. The landlord liable to the rent charge may recover from his immediate lessee, and so downwards to the person primarily liable. The occupiers, who are answerable for compositions to landlords having undertaken the liability by certificate, shall be considered the persons primarily liable. But not so where the lessee is entitled (under Mr. Goulburn's Acts) to deduct the composition from his rent; in this case the lessor is to be considered as the person primarily liable.

7. Leases of tithes suspending compositions are to determine, and the rent charge to be immediately established.

8. Leases at rack-rent made (since Mr. Goulburn's Act, 4 Geo. IV. ch. 99.) tithe free to be subject to a deduction of three-sevenths of the composition, being the difference between the composition and rent charge.

(Compositions by his Act were to terminate at the end of twenty-one years; and if, during the continuance of such a lease set tithe-free, the composition were to terminate, there was a clause to be inserted in the lease that the amount of composition should be deducted, because the landlord was only to set tithe-free *during the continuance of the composition.*)

9. Rent charges to be vested in, and payable to, his Majesty, for the purposes hereinafter mentioned; and shall, until Nov. 1843, and afterwards until Parliament shall otherwise direct, be under the management of the Commissioners of Land Revenues, subject to the control of the Treasury; and recoverable by them in the same manner as land revenues and rent due to the Crown may be recovered—(10) and these Commissioners may, with the consent of the Trea-

surey, make regulations for the collection and management, which shall be as valid as if here enacted.

11. It being just that the calculations on which compositions have been made, should be subject to revision upon a *prima facie* case being made out ; persons entitled to pay to a greater amount than half of the composition may, within six weeks after the passing of this Act, apply to the Commissioners of Land Revenues for revision.

12. The grounds and reasons are to be stated in writing, and verified on oath. The following are the grounds and reasons for this *prima facie* case:—

1. If the composition exceed by more than one-fifth the actual amount of the average of the sums really and truly paid, really and truly agreed to be paid, or really and truly adjudged to be paid for the seven years before 1821 or 1830.

2. If any sum were added to the actual amount of the average of such true and real sums, without just and sufficient reasons.

3. If there were any fraud, concealment, misrepresentation, or circumvention by which the amount was unduly affected.

4. If composition were made on *ex parte* evidence, whereby it was unduly affected.

(No particle of evidence exists to prove any of the points in these grounds specified.

No. 1. Taking the average amount of composition paid by each individual at ten shillings, a parish of 500*l.* had 1,000 payers ; an account of the particulars of the tithe of each must be overhauled for each of the seven years, that is 7,000 accounts must be accurately made out for seven years previous to 1821 and 1830. And this by the *parishioners* who *never even at the time* had any documents or materials on the subject. No document or entry exists anywhere to shew even the *principle* of the calculation, much less the detail. Nor does any document or entry exist anywhere to shew whether the compositions were formed on calculation, or by private agreement. Nearly all the compositions under the first Acts, amounting to 1,505, were (so far as I could hear at the time) made by private agreement, from the utter impossibility, *at the time*, of proving the averages.

No. 2. In very few instances was any addition made. If any were made, the reasons were stated in the certificate and laid before the vestry, from whence an appeal lay. No proof can be now obtained, except what appears in the certificate.

No. 3. In 1,505 cases a power of revision was given on these grounds by Lord Stanley's Act,

and in *one* case the amount was decreased.—See the particulars under Lord Stanley's Act.

No. 4. In *every* case in which the composition was established on the averages, the decision was made on *ex parte* evidence, because only one side had any to give, viz. the books and witnesses of the tithe-owner. No evidence whatever now remains. The parishioners had then the power of examining the books and witnesses, and also of appealing from the decision.

On such a *prima facie* case, the Commissioners sitting at Whitehall, without even a reference to the other party, are to decide upon the vexatious and impracticable measure of revision.)

The Commissioners shall return to the Lord Lieutenant the statement, with a certificate that it is proper to be revised.

13 to 21. All the provisions relating to the barristers and proceedings before them, are the same as in the Bill of 1835.

22 to 29. As are also those relating to tithe-free lands, liabilities to composition and rent-charge, prescriptions, exemptions, &c.

31 to 36. Also for making rentals, amending applotments, and regulations for collecting and removing.

37 to 39. Also for appointing receivers, and

their powers, and for payment of interest by defaulters ; and (40) for the apportionment of rent charges.

41. The compositions to be variable, in the same manner as compositions under the present Acts.

42. Persons entitled to compositions, if this Act had not passed, other than the incumbents of benefices hereinafter mentioned, to apply to the Ecclesiastical Commissioners, as under the Bill of 1835, and receive warrants, subject to a deduction of $32\frac{1}{2}$ per cent. Also incumbents and curates, whose incomes may be regulated by the Lord Lieutenant in Council, under the provisions hereinafter mentioned, shall apply and obtain warrants for the amounts to which they may be entitled, deducting sixpence in the pound.

43. All rents, or sums, or charges, or taxes, due by the incumbent, to be deducted by the Ecclesiastical Commissioners from the net amount.

44. Holders of leases of tithes, the rent of which exceeds the rent charges, may surrender ; or on application require a reduction, to be determined by three arbitrators.

45, 46. For determining the rights of parties to payment, the same as in the Bill of 1835.

(N.B. The clauses for giving five per cent. to present incumbents out of the Perpetuity Purchase Fund, contained in the Bill of 1835, omitted from this.)

47, 48, 49. Relating to warrants and payments, the same as in 1835.

50. His Majesty to appoint a Committee of the Privy Council in Ireland, composed of members of the Established Church, to be called "the Ecclesiastical Committee of the Privy Council."

51. On a vacancy of a benefice, the Ecclesiastical Commissioners to enquire into the following particulars. The nature and extent of the parish or union; the number of members of the Established Church by the report of the Commissioners of Public Instruction; the situation of the church and glebe-house; the nature and extent of the glebe-lands; the number of services on Sundays; other places for service beside churches; and such other circumstances relating to the benefice, or adjoining benefices, as they shall think material; and shall make their report to the Lord Lieutenant, who shall refer it to the Ecclesiastical Committee of the Privy Council; who may represent to the Lord Lieutenant such other particulars relating to the

benefice, or adjoining benefices, as they shall think material, and the Lord Lieutenant shall require the Ecclesiastical Commissioners to ascertain them.

The Ecclesiastical Committee shall decide whether any alteration of the boundaries should be made, whether it shall be divided or united to others; shall arrange the boundaries, settle the incomes of future incumbents, and extent of glebes to be allotted; decide on suitability of glebe-house, church, or chapel; shall report on all matters relating to the benefice, costs, charges, or payments, affecting the late incumbent or his successors; and shall make recommendations on all the above particulars to the Lord Lieutenant and Privy Council; and an order shall be made pursuant thereto; and such order shall also settle and adjust all matters relating to residence, dues, parochial rights, payments, pensions, &c. &c.; salaries of schoolmasters, repairs of chancel, &c. &c. as may be necessary to be adjusted in consequence of the changes to be made by the order.

Such order to be final and registered, and enrolled, and lodged with the Ecclesiastical Commissioners.

52. The Lord Lieutenant in Council may also make supplemental orders for removing doubts and settling disputes.

53. On the recommendation of the Ecclesiastical Commissioners, the alterations may be delayed until the vacancy of some other benefice, the incumbent to be appointed subject to such arrangements.

54. The extent of glebe to be annexed to any benefice not to exceed thirty statute acres ; and incomes to be regulated as underneath :

A benefice now existing, or hereafter to be formed, having a number of members of the Established Church between the limits in the *first* column, to have an income between the limits in the *second* column, exclusive of the glebe to be annexed.

FIRST COLUMN.	SECOND COLUMN.
No. of Members of the Established Church.	Incomes.
Not more than 50	Not to exceed £100
From . . 50 to 500	From . . 100 to 200
500 to 1000	200 to 300
1000 to 3000	300 to 400

The income in no case to exceed 500*l.*, except in a city or a town.

If the number of members exceed 1,000, the Lord Lieutenant in Council, on the recommendation of the Ecclesiastical Commissioners, may order the appointment of one or more curates,

with a salary of 100*l.* ; 75*l.* to be payable by warrant of the Ecclesiastical Commissioners, and 25*l.* by the incumbent.

55. The order to take effect from the period therein expressed ; and an incumbent of a benefice, to which any other is to be united, is to become incumbent of the united benefice, and to be charged with the cure of souls ; but the alteration of his income is not to take place until the next avoidance, without his consent. And the Lord Lieutenant may allocate to him a sum not exceeding 100*l.*, in consideration of the additional duty, or order a curate to be appointed with a salary not exceeding 100*l.* per annum, to be nominated by the ordinary.

56. Such parishes united under this Act, are to be deemed single parishes for ecclesiastical purposes, but not to make any alteration as to secular rates.

57. The new incumbents of such benefices to be Vicars, and to have the rights and be subject to the duties of Vicars in Ireland, and under the same jurisdiction.

58. If the united benefices shall contain parts of different dioceses, the Lord Lieutenant in Council shall determine to what dioceses they shall belong.

59. The same proceedings as above, may be taken from time to time, on future avoidances of

any benefices, whether previously subjected to the provisions of this Act or not; and subsequent orders shall revoke former ones.

60. Appropriators or impropiators liable to provide curates, shall, after unions, contribute rateably, according to the order made by the Lord Lieutenant in Council.

61. The Ecclesiastical Commissioners shall, on vacancies, pay charges due to predecessors, as successors are now bound to do, and shall be entitled to recover from predecessors such sums for dilapidations as successors might.

62. Vacancies shall not be filled up without two months' notice to the Ecclesiastical Commissioners.

63. Incumbents hereafter appointed are to be subject to all the provisions of this Act, but until orders be made, they may enjoy all rights as theretofore.

65. The Lord Lieutenant in Council shall order compensation to be made to the College, or any patron except the Crown, or an Ecclesiastical Corporation, for the advowson, or reduction in value of benefices coming under the operation of this Act; and may regulate the turns of presentation among patrons, according to the altered value. Or, in the case of the College, may give, in lieu of compensation, some benefice in the gift of the Crown. The

compensation must not, in any case, exceed twelve years' purchase.

68. And conversely, the Lord Lieutenant may require compensation from the patrons of augmented benefices ; and in default of payment, the sum due on such account shall be a lien on the advowson prior to any other incumbrance.

67. 69. Purchased advowsons to vest in the Crown, and warrants to be granted on the Commissioners of Land Revenues for the sums payable under the provisions for the purchase of advowsons and compensation, or for paying charges due to predecessors.

70. On a vacancy of a benefice, the glebe-house, offices, and lands belonging thereto, shall vest in the Crown, subject to any charge, for the purposes of this Act, and be in the management of the Commissioners of Land Revenues until the year 1843, or afterwards, until Parliament shall further direct. The profits to be applied as the rent charges.

71. The Commissioners of Land Revenues shall assign such portion of glebe as directed to each benefice, out of the glebe-lands; and if there be no glebe, shall purchase a glebe for it; and may sell or exchange lands not required for the purposes of this Act.

72. Said Commissioners shall assign the glebe-house and portion of glebe to an incumbent, as

directed by the order. And if not appropriated by such order, they shall demise the house and offices for lives or years, with a covenant against assigning or subletting.

76. Moneys arising under this Act to be applied as follows :

1. To the payment of costs of collection, and expenses of carrying this Act into execution.
2. To the payment of warrants to present owners of compositions, or to incumbents or curates to be appointed under this Act.
3. To the payment of compensations and purchase of advowsons, also of charges on benefices and purchase of glebes. And the residue to go to the Consolidated Fund.

76. From the 31st of March 1837, 50,000*l.* to be paid from the Consolidated Fund, according to the directions of the Treasury, to persons appointed by the Lord Lieutenant, for the moral and religious instruction of all classes of the people of Ireland, without religious distinction. And an account to be laid before Parliament every April.

77. Regulations relating to incomes of minor canons and vicars choral.

78. In removing doubts as to the precentorship of Christ Church, Dublin.

79. Tithes disappropriated from dignities, and not required for the perpetual curacies or vicarages of the same, shall be carried to the general fund of the Ecclesiastical Commissioners.

80. Tenants of bishops' lands, instead of paying the perpetuity purchase money, may give a mortgage to the Commissioners at $3\frac{1}{4}$ per cent.

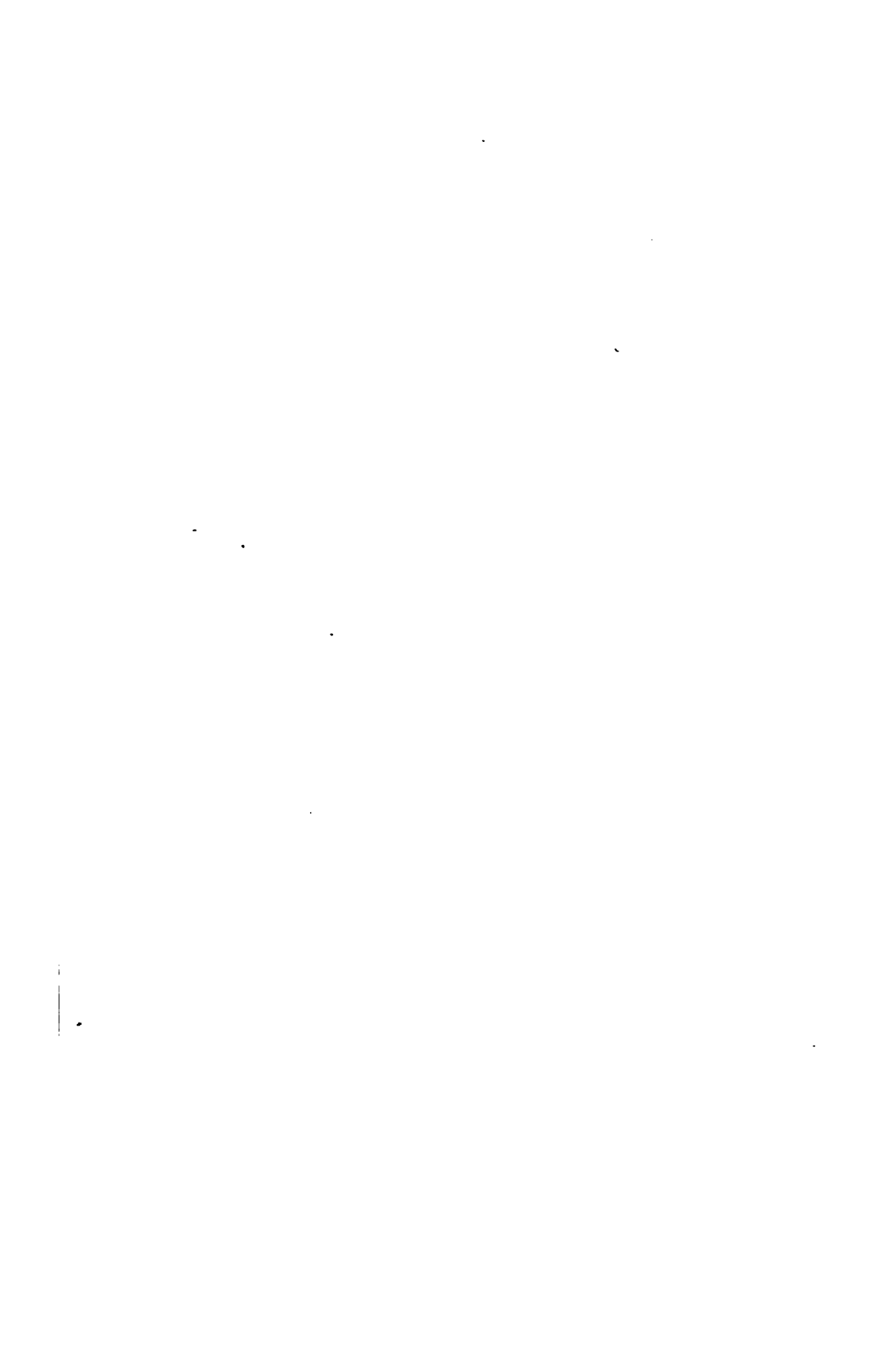
83. The Treasury may advance to the Commissioners of Land Revenues from the Consolidated Fund, any sums not exceeding the annual amount of the rent charge, to be a charge on the rent charge, and applied to the like purposes.

EDWARD STOPFORD,

Archdeacon of Armagh.

THE END.

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